

REMARKS**I. Status of the Claims**

Claims 1-168 are currently pending in the application. Of these, claims 44, 57-64, 108, 121-128, 155, and 168 are withdrawn from consideration. The claims currently under consideration include independent claims 1, 35, 37, 40, 45, 51, 52, 65, 99, 101, 104, 109, 115, 116, 129, 149, 151, 156, 162, and 163.

By this Amendment, claims 1, 4, 5, 35, 37, 39, 40, 41, 45, 51-53, 65, 68, 69, 99, 101, 104, 109, 115-117, 129, 132, 133, 149, 151, 152, 156, and 162-164 have been amended. These changes include replacing “Bluetooth device” with “short-range communications device” and the term “novel” with “unusual”. Applicants assert that these changes introduce no new matter. Entry and consideration of this Amendment are respectfully requested.

II. Telephone Conference with Examiner

Applicants thank the Examiner for the telephone conference of July 18, 2005. During this telephone conference, the undersigned discussed the U.S. Patent No. 5,933,100 to Golding and the claimed invention, as set forth below.

III. Rejections under 35 U.S.C. §112

Claim 4, 68, and 132 are rejected under 35 U.S.C. § 112, second paragraph. Applicants respectfully request reconsideration. In these claims, the term “Bluetooth device” has been

replaced with “short-range communications device”. For at least this reason, withdrawal of this rejection is respectfully requested.

IV. Rejections under 35 U.S.C. §102

Claims 1-2, 5-13, 17-20, 25, 35-43, 45-56, 65-66, 69-77, 81-84, 89, 99-107, 109-120, 129-130, 133-139, 141-143, 145, 149-154, and 156-167 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 5,933,100 to Golding ("Golding"). Applicants respectfully request reconsideration for at least the following reasons.

These independent claims recite features involving the computation of a novelty index value. As amended, this novelty index value characterizes how unusual it is for a wireless device to occupy a determined location or a context.

Golding is directed to a system that determines routes having minimum travel times. For instance, Golding discloses a vehicle navigation system that is located on an automobile. Figure 1 of Golding shows that this system includes a timer 11. Golding at column 4, lines 64-66 states that this timer “is used to determine a travel time for each travel segment.”

The Examiner asserts in the Office Action that the timer 11 of Golding discloses the novelty index value computation features of the claimed invention. This timer determines travel times associated with travel segments. However, it does not involve how unusual it is for a wireless device to occupy a determined location or a context. Therefore, Applicants assert that the independent claims are distinguishable from Golding.

IV. Rejections under 35 U.S.C. §103

The following rejections have been made under 35 U.S.C. § 103:

1. Dependent claims 3, 67, and 131 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 5,155,689 to Wortham (“Wortham”);
2. Dependent claims 14 and 78 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 5,559,312 to Lucero (“Lucero”).
3. Dependent claims 15, 21, 34, 79, 85, and 98 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 6,736,727 to Doi et al. (“Doi”).
4. Dependent claims 16 and 80 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 5,485,163 to Singer et al. (“Singer”).
5. Dependent claims 22-24, 32, 86-88, and 96 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 6,181,935 to Grossman et al. (“Grossman”).
6. Dependent claims 26 and 90 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 6,418,330 to Lee (“Lee”).
7. Dependent claims 27-30 and 91-94 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 6,133,853 to Obradovich et al. (“Obradovich”).
8. Dependent claims 31, 33, 95, and 97 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Golding in view of U.S. Patent No. 5,696,906 to Peters et al. (“Peters”).

In these rejections, the Examiner applies additional references. However, Applicants assert that these references do not overcome the aforementioned deficiencies of Golding.

Accordingly, withdrawal of these rejections is respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4013.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4013.

Respectfully submitted,
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